



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/036,710

12/21/2001

Jon Strong

P00723/70048 JNA

6493

7590 07/24/2007
John N. Anastasi
Wolf, Greenfield & Sacks P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/036,710

Applicant(s)

STRONG ET AL.

Examiner

Phirin Sam

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-57, 59-73, 97-111, 113-123, 125-146, 148-167, 191 and 192 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19, 21-57, 59-73, 97-104, 109-111, 113-122, 137-143, 146, 148-167 and 192 is/are allowed.
- 6) ☒ Claim(s) 105, 123, 125, 126, 130, 131, 135, 136, 145 and 191 is/are rejected.
- 7) ☒ Claim(s) 106-108, 127-129, 132-134 and 144 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

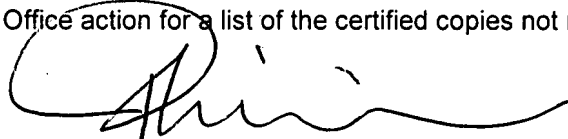
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 105, 123, 125, 126, 130, 131, 135, 136, 145, and 191 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,959,568 (hereinafter referred as "Woolley") in view of US Patent 5,929,779 (hereinafter referred as "MacLellan").

Regarding claim 105, Woolley discloses a wireless tag identification system, comprising:

- (a) a plurality of tags each associated with an asset (see Figs. 1 and 2, col. 16, lines 9-39);
- (b) at least one tag sensor adapted to communicate by wireless signals with at least one tag, the at least one tag sensor having a coverage area within which the tag sensor can communicate with tags (see Fig. 2, col. 16, lines 40-45, col. 17, lines 3-9);

Woolley does not disclose minimize interference of the wireless signals and synchronizes duty cycles. However, MacLellan discloses minimize interference of the wireless signals and synchronizes duty cycles (see Figs. 1-4, abstract, summary of the invention, and col. 5, lines 6-65). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine minimize interference of the wireless signals and synchronizes duty cycles teaching by MacLellan with Woolley. The motivation for doing so would have been to provide to automatically determine the quantity of data and the correct mode in operation read on abstract. Therefore, it would have been obvious to combine MacLellan and Woolley to obtain the invention as specified in the claim 105.

Regarding claims 123, 125, 126, 130, 131, 135, 136, 145, and 191, Woolley discloses a wireless tag identification system, comprising:

- (a) a plurality of tags each associated with an asset (see Figs. 1 and 2, col. 16, lines 9-39);
- (b) at least one tag sensor adapted to communicate by wireless signals with at least one tag, the at least one tag sensor having a coverage area within which the tag sensor can communicate with tags (see Fig. 2, col. 16, lines 40-45, col. 17, lines 3-9);
- (c) wherein the means for controlling determines if wireless signals related to the wireless communications network are likely being transmitted by detecting a change in energy in at least one communication channel (see Figs. 11 and 12, col. 19, lines 12-18, 37-52);
- (d) permits wireless signals to be produced by a tag sensor approximately while wireless signals related to the wireless communication system are not being transmitted (see Fig. 11, col. 20, lines 37-45, 53-58).

Woolley does not disclose minimize interference of the wireless signals. However, MacLellan discloses minimize interference of the wireless signals (see Figs. 1-4, abstract, summary of the invention, and col. 5, lines 6-65). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine minimize interference of the wireless signals teaching by MacLellan with Woolley. The motivation for doing so would have been to provide to automatically determine the quantity of data and the correct mode in operation read on abstract. Therefore, it would have been obvious to combine MacLellan and Woolley to obtain the invention as specified in the claims 123, 125, 126, 130, 131, 135, 136, 145, and 191.

Allowable Subject Matter

4. Claims 1-19, 21-57, 59-73, 97-104, 109-111, 113-122, 137-143, 146, 148-167, and 192 are allowed.

5. Claims 106-108, 127-129, 132-134, and 144 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**

Date: July 18, 2007